

Gallon," "Contents $\frac{1}{2}$ Gallon," or "Contents 1 Pint") "Electra Brand Extra Superfine Pure Olive Oil * * * Kakarakis Bros. Chicago, Ill. * * *."

Misbranding of the article was alleged in substance in the libels for the reason that the statements on the labels of the respective-sized cans containing the said article, to wit, "Net Contents One Pint," "Net Contents One Quart," "Net Contents $\frac{1}{2}$ Gallon," "Net Contents $7\frac{1}{2}$ Fluid Ounces," and "Net Contents 1 Gallon," were false and misleading and deceived and misled the purchaser, in that the said statements did not correctly state the amount of the article contained in the said cans.

On June 14, 1922, no claimant having appeared for the property, judgment of the court was entered finding that the Government was entitled to the entry of decrees in the cases, and it was ordered by the court that the product be sold by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10966. Adulteration and misbranding of flour. U. S. v. 100 Sacks and 108 Sacks of Flour. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16292, 16310. I. S. Nos. 10866-t, 14438-t. S. Nos. W-1081, W-1083.)

On May 5 and 12, 1922, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 208 sacks of flour, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Mark P. Miller Milling Co., Moscow, Idaho, April 17, 1922, and transported from the State of Idaho into the State of California, and charging adulteration with respect to a portion of the said article and adulteration and misbranding with respect to the remainder thereof, in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "Weight 98 Pounds Net Mark P. Miller Milling Company, Moscow, Idaho, Bluestem Clear Bleached L." The remainder of the article was labeled in part: "Silver Drop Flour Made From Selected Winter Wheat Genesee, Idaho Matured and Bleached."

Adulteration of both brands of the article was alleged in the libels for the reason that water had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged with respect to the portion of the article labeled "Bluestem Clear Bleached" for the reason that the statement, "Weight 98 Pounds Net," was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 5, 1922, the Mark P. Miller Milling Co., Moscow, Idaho, having entered an appearance as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,600, in conformity with section 10 of the act, conditioned in part that the said product be made to conform to the provisions of the said act, under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10967. Adulteration and misbranding of flour. U. S. v. 400 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16299. I. S. No. 10868-t. S. No. W-1082.)

On May 10, 1922, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 sacks of flour, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Cascade Milling & Elevator Co., Cascade, Mont., April 13, 1922, and transported from the State of Montana into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Cascade Flour Highest Patent Cascade Milling and Ele. Co."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed therewith so as to reduce, lower, and injuriously

affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 23, 1922, A. G. King and G. E. Mattocks, copartners, trading as the Consolidated Flour Mills Co., claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that the said product be made to conform with the provisions of the said act, under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10968. Adulteration and misbranding of flour. U. S. v. 60 Sacks of Flour. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16535. I. S. No. 21805-t. S. No. W-1129.)

On June 30, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 60 sacks of flour, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Royal Milling Co., Great Falls, Mont., April 28, 1922, and transported from the State of Montana into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Sacks) "Royal Milling Co. Bakers Patent Great Falls, Mont. Bleached 98 Lbs. Regal Flour."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statement appearing on the labels of the sacks containing the said article, "98 Lbs.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 19, 1922, the Royal Milling Co., Great Falls, Mont., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that the product be reconditioned and properly labeled, under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10969. Adulteration and misbranding of canned clams. U. S. v. 300 Cases and 80 Cases of Clams. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16443, 16444. I. S. Nos. 14413-t, 14414-t, 14416-t. S. Nos. W-1110, W-1111.)

On June 21, 1922, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 300 cases of razor clams and 80 cases of unlabeled clams, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Grays Harbor Fisheries & Packing Co., Bay City, Wash., June 2, 1922, and transported from the State of Washington into the State of California, and charging adulteration and misbranding, with respect to the former, and adulteration, with respect to the latter, in violation of the Food and Drugs Act, as amended. The razor clams were labeled in part: (Can) "Cluff Brand Fresh Minced Razor Clams Contents 7 Oz. Meat Contents 3½ Oz. * * *."

Adulteration was alleged in the libels with respect to both brands of the article for the reason that water or clam juice had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged with respect to the razor clams for the reason that the statement appearing on the cans containing the said article, "Meat Contents 3½ Oz." was false and misleading and deceived and misled the purchaser, and